

Agenda for Change Constitution

Preamble

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PREAMBLE:

The "Agenda for Change" is a political party whose purpose is to create a Zambian government that is truly a people's government. It represents change—comprehensive, well-calculated and coordinated change. It is designed to bring about change that will unlock our country's potential to meet the needs and expectations of both present and future generations.

More than ever before, we need to chart a new, multi-faceted strategy that will steadily and briskly improve the socio-economic well-being of all Zambia's sons and daughters. Together, we are capable of creating a more peaceful, more democratic, more egalitarian, and more prosperous nation.

Through the Agenda for Change, we have a historic opportunity to bring about real change in our beloved country, and to create a national government that is truly a government of the people, for the people, and by the people.

ARTICLE 1:

THE PARTY'S NAME

The political party for which this Constitution is drafted shall officially be known as the "Agenda for Change," and is conveniently designated and/or referred to as "Party" in some parts of the Constitution.

ARTICLE 2:

POLITICAL PHILOSOPHY

We, in the Agenda for Change party, believe that:

2.1 All human beings are born free and equal in dignity, freedoms and rights, and no individual should be denied any of the rights and freedoms enshrined in the Zambian constitution, and the rights and freedoms stipulated in both the UN's Universal Declaration of Human Rights and the African Union's African Charter on Human and Peoples' Rights;

2.2 Leaders are servants of the people and should, as such, serve the people in a diligent, honest and impartial manner;

2.3 Leaders have a moral obligation to create a government that is smaller, more frugal, highly decentralized, and more responsive to the development needs of our country;

2.4 Leaders have a duty to create a socio-economic environment in which business undertakings can generate goods and services to meet the changing needs and expectations of our people at lower costs and prices;

2.5 The national Government needs to spearhead the creation of a socio-economic environment in which ethnic, cultural, racial, and religious diversity is appreciated, tolerated and celebrated;

2.6 Leaders need to create a society that is compassionate, peace-loving, virtuous, and steadfastly united;

2.7 The national Government and local authorities need to create a socio-economic setting in which burglaries, robberies, vandalism, and other criminal activities can be effectively and efficiently put under control;

2.8 The national Government and local authorities need to exercise greater environmental stewardship by seriously considering the fragile natural environment in both the generation and implementation of socio-economic policies; and

2.9 The national Government needs to work hand in hand with other governments worldwide in creating a more humane, more affluent, more egalitarian, and more peaceful global community.

ARTICLE 3:

MEMBERSHIP OF THE PARTY

3.1 The Agenda for Change is a mass party; it is open to all Zambian citizens irrespective of their age, gender, skin color, current political alignments, ethnic identities, religious convictions, and/or professional affiliations.

3.2 An individual's membership in the Party is voluntary and shall never be withdrawn by any administrative organ of the Party under any circumstances, except on any given member's own accord.

3.3 Membership in the Party shall be attained by filling out a standard application blank (to be designed by the Assembly of People's Representatives) at any level of the Party's administrative structure.

3.4 A membership card shall be issued to each and every Party member upon payment of a nominal membership fee to be determined by the Assembly of People's Representatives (APR). The card shall function as proof of membership in the Party at all Party functions and in all official business situations. The nominal membership fee shall function as a token contribution to the Party's revenue and, more importantly, as proof of a member's acceptance of the Party's people-centered ideals.

ARTICLE 4:

PARTY STRUCTURE

The administrative structure of the Agenda for Change shall be a lean one, and shall, as such, reflect the Party's commitment to the creation of: (a) a smaller national government; (b) a national government that is more effective in meeting the basic needs and expectations of our Motherland and all its people; and (c) a national government that operates on a balanced budget, ensuring that its expenditures are equal to, or less than,

its revenues.

Hence, the Party's administrative structure shall consist of four (4) organs—that is, the Board of Party Overseers, the Assembly of People's Representatives (APR), Provincial Executive Committees (PECs), and District Executive Committees (DECs)—as outlined below.

4.1 BOARD OF PARTY OVERSEERS

(A) The Board of Party Overseers shall consist of five (5) members, who shall be nominated by founding Party members (or their chosen representatives) from prominent Zambians.

(B) The Party's Executive Vice President for Justice and Immigration and the Executive Vice President for Culture and Community Services shall supervise the election (by the APR) of a Chief Party Overseer and a Deputy Party Overseer from the nominated members of the Board alluded to in section 4.1(A).

(C) The functions of the Board of Party Overseers shall include the following:

- (i) Organization, administration and supervision of elections for the Party President, the Party Vice President, and Executive Vice Presidents every five years;
- (ii) Appointment, on a temporal basis, of elections officials to administer elections for members of both Provincial Executive Committees (PECs) and District Executive Committees (DECs) as provided for in sections 6.10 and 6.11, respectively;
- (iii) Preparation of ballot papers, and provision for ballot boxes and/or any other appropriate means of facilitating secret-voting;
- (iv) Creation of a viable procedure for counting votes, supervision of vote-counting, and official announcement of election results;
- (v) Generation of election procedures for determining the mode of elections when numerous candidates declare an interest in a particular post, resolving disputes which may emanate from elections and/or election procedures, and/or designating winners in cases involving tied votes; and
- (vi) Performance of any other elections-related Party functions.

4.2 ASSEMBLY OF PEOPLE'S REPRESENTATIVES

(A) At the national level, the Party shall be represented by the Assembly of People's Representatives (APR), which shall be the supreme executive organ of the Party, and shall perform the following functions:

- (i) Establish standardized administrative units and committees for all levels of the Party structure, and re-organize the administrative units and committees when necessary;
- (ii) Set and/or refine the objectives, programs, policies, and rules and regulations of the Party;
- (iii) Set and/or refine general guidelines for managing donations, Party finances and other assets, Party investments, fund-raising campaigns, the allocation and appropriation of funds, election campaigns, Party membership drive, and public relations

and publicity campaigns at all levels of the Party's administrative structure;

(iv) Oversee the work of all PECs;

(v) Establish procedures for determining the mode of elections when an excessive number of candidates declare an interest in a particular position;

(vi) Establish procedures for resolving problems or disputes which may emanate from elections, election procedures, or the designation of winners in cases of tied vote counts;

(vii) Appoint caretakers for executive vice-president positions whose incumbents may not, for any given reasons, be unable to perform their duties; and

(viii) Any other duties and functions which it may consider as being vital to the smooth-functioning and/or long-term viability of the Party.

(B) The Assembly of People's Representatives shall be composed of founding Party members, five (5) members to be appointed by the APR at its own discretion, and provincial representatives to be popularly elected by PECs in consonance with each province's population as follows: 1 million or more people—three (3) representatives; and less than 1 million people—two (2) representatives.

Tentatively, each province shall, therefore, be represented in the Assembly according to their 2001 populations as follows:

(i) Central Province: 1.01 million people—three (3) representatives;

(ii) Copperbelt Province: 1.7 million people—three (3) representatives;

(iii) Eastern Province: 1.3 million people—three (3) representatives;

(iv) Luapula Province: 0.79 million people—two (2) representatives;

(v) Lusaka Province: 1.4 million people—three (3) representatives;

(vi) Northern Province: 1.4 million people—three (3) representatives;

(vii) North-Western Province: 0.61 million people—two (2) representatives;

(viii) Southern Province: 1.3 million people—three (3) representatives; and

(ix) Western Province: 0.78 million people—two (2) representatives.

(C) The Assembly of People's Representatives shall be administered by a Party President, a Party Vice President, and ten (10) Executive Vice Presidents, who shall collectively perform the functions stipulated in section 4.2(A).

(D) The Party President: He/she shall preside over the meetings of the APR, and shall assume responsibility over the general superintendence of the affairs of the Party. Also, he/she shall prepare a comprehensive annual report reflecting the general state of affairs in the Party, and the state of the Zambian nation, and shall orally present the same to the APR. He/she shall be fielded in Republican presidential elections.

(E) The Party Vice President: He/she shall assist the Party President in discharging duties stipulated in section 4.2(D), and shall deputize for him/her when necessary.

He/she shall also perform functions relating to the Party's publicity and public relations campaigns, and shall, as such, act as the Party's spokesperson. He/she shall be fielded as a running mate for the Party President in Republican presidential elections.

(F) Executive Vice President, *Education, Training and Sport*: To be directly responsible for advising and representing the APR on matters and issues relating to the following: general and tertiary education; vocational training; the training of teachers; adult literacy programs; sporting programs in all Government-funded educational and training institutions; and matters concerning remuneration for educators, trainers and researchers.

(G) Executive Vice President, *Public Health and Sanitation*: To be directly responsible for advising and representing the APR on matters and issues relating to medical care, medical research, child health and development, family planning, disease control and prevention, food safety (local and imported foodstuff), drug safety (local and imported medicines), safety of herbal medicines, public health education, public health inspections, and remuneration for public health personnel.

(H) Executive Vice President, *Agriculture and Food Security*: To be directly responsible for advising and representing the APR on matters and issues pertaining to agricultural development, long-term food security, agricultural incentives, agribusinesses, agricultural research centers, irrigation schemes, and the food requirements of unemployed citizens and disadvantaged children.

(I) Executive Vice President, *Finance and Revenue*: To be directly responsible for advising and representing the APR on financial matters and monetary issues; the stock market, national debt management and external debt resolution; management of government-owned enterprises; and revenue generation through taxation, customs and excise duties, service fees or charges, and postal services.

He/she shall also function as the Party's treasurer, in which case he/she shall discharge the following duties:

(i) Preparation and maintenance of the Party's financial records, and periodically keeping the APR apprised of the value of the Party's assets and outstanding financial obligations; and

(ii) Soliciting for financial, material and other forms of contributions or donations from Party members, non-members and institutions in both Zambia and abroad.

He/she shall be required to seek the presence of another Party official, or any witness selected by the contributor involved, when receiving and recording donations. He/she shall, therefore, be expected to be in possession of a ledger, or any semblance thereof, for documenting donations when soliciting for contributions to the Party.

(J) Executive Vice President, *Commerce and Industry*: To be directly responsible for advising and representing the APR on matters and issues concerning trade and industrialization, tourism, mining, business and investment promotion, imports and exports, trade relations, registration of foreign companies, and research and development (R&D) support to local manufacturers.

(K) Executive Vice President, *Defence and Security*: To be directly responsible for advising and representing the APR on matters and issues concerning the following: national defence and security (including matters and issues relating to the training, equipment, remuneration for defence and security personnel); and fire-arm control and registration. He/she shall also perform functions relating to the generation of decisions

concerning safety and security at Party facilities and gatherings.

(L) Executive Vice President, *Works, Supply and Transportation*: To be directly responsible for advising and representing the APR on matters and issues relating to the following: utilization and management of nationally owned pieces of land; provision and maintenance of vital infrastructure nationwide, including an efficient and inter-modal network of ground and air transportation; development of "malleable" stretches of the Kafue, Zambezi, Lwangwa, and other sizable perennial rivers for water transportation; and procurement and distribution of government supplies; and construction, renovation and maintenance of government facilities and properties.

(M) Executive Vice President, *Justice and Immigration*: To be directly responsible for advising and representing the APR on legal matters, the protection of citizens' rights and freedoms, legal aid, title deeds, national registration, passports and immigration, citizenship and naturalization, work permits, treaties and agreements with other countries, intellectual property rights, and remuneration for judicial personnel and support staff.

He/she shall also function as the Party's Secretary General, in which case he/she shall record and maintain minutes of all APR meetings, and perform any related tasks which shall be delegated to him/her by the APR through the incumbent Party President.

(N) Executive Vice President, *Culture and Community Services*: To be directly responsible for advising and representing the APR on issues and matters relating to the following: preservation of our national treasures (including national monuments, museums, historical sites, and cherished cultural and family values); promotion of traditional music and culture-related crafts; national emergencies; national unity and patriotism; religious harmony; national ceremonies and festivals; the operations of civil police and prisons; and issues relating to women, children, disabled citizens, and retirees and the aged.

(O) Executive Vice President, *Foreign Affairs*: To be directly responsible for advising and representing the APR on issues and matters concerning foreign political relations; consular affairs and services; profiles of foreign countries; services and vital information to Zambians in, or traveling to, foreign countries; and publicizing of Zambian society abroad.

(P) Each and every Executive Vice President shall prepare a comprehensive annual statement reflecting the state of affairs in the dispensation of services by the existing national government with respect to the concerns of his/her portfolio in the Party, and shall orally present the same to the APR.

(Q) Executive Agencies: Upon being elected into the governance of Zambia, performance of the functions of the Executive branch of the national government shall be complemented by the work of several autonomous government agencies, as provided for in the Republican constitution. The complementary executive agencies to be created in due course, and those which are already provided for by the Republican constitution, shall be as follows:

- (i) Zambia Revenue Authority;
- (ii) Anti-Corruption Commission;
- (iii) Electoral Commission of Zambia;
- (iv) Human Rights Commission;
- (v) Labor Standards and Occupational Safety Board;
- (vi) Public Utilities and Environmental Management Agency;
- (vii) Central Supply and Tender Board;
- (viii) Drug Control Agency;
- (ix) Zambia Development Agency;

- (x) Bureau of Statistics and Archives;
- (xi) Zambia Postal Agency;
- (xii) National Housing Authority;
- (xiii) Transportation Safety Board;
- (xiv) Fire Arms and Criminal Investigations Bureau; and
- (xv) National Science and Technology Council.

4.3 PROVINCIAL EXECUTIVE COMMITTEES

(A) At the provincial level, the Party shall be represented and administered by a Provincial Executive Committee (PEC) in each of the nine (9) provinces, which shall be designated as follows:

- (i) Central Province Executive Committee; (ii) Copperbelt Province Executive Committee; (iii) Eastern Province Executive Committee; (iv) Luapula Province Executive Committee; (v) Lusaka Province Executive Committee; (vi) Northern Province Executive Committee; (vii) North-Western Province Executive Committee; (viii) Southern Province Executive Committee; and (ix) Western Province Executive Committee.

(B) PECs shall oversee the work of DEC in their respective provinces, and shall perform any other functions which shall be referred or delegated to them by the APR from time to time.

(C) Each PEC shall be composed of two (2) committee members elected from every DEC in a given province, and shall be administered by a Provincial Executive and a Deputy Provincial Executive, who shall be elected from duly elected members of the PEC to perform the following functions:

- (i) Preparation (on a regular basis) and maintenance of accurate and up-to-date records of the operations of the PECs over which they shall preside; and
- (ii) Preparation of annual reports reflecting operational issues and problems for submission to the APR.

(D) Provinces without PECs shall be serviced on a temporal basis by ad hoc committees to be constituted by the APR.

4.4 DISTRICT EXECUTIVE COMMITTEES

(A) At the district level, the Party shall be represented by a District Executive Committee (DEC) in each of the country's seventy-two (72) districts.

(B) Each of the Party's DECs shall be administered by a District Executive and a Deputy District Executive to be elected from duly registered and locally based members of each DEC.

(C) District Executives and Deputy District Executives shall prepare (on a regular basis) and maintain accurate and up-to-date records of the operations of the DECs over which they shall preside, and shall prepare annual reports reflecting operational issues and problems for submission to PECs in their respective provinces.

(D) Districts without DECs in any province shall be serviced on a temporal basis by PECs in the provinces involved.

(E) DECs shall perform any and all functions which shall, from time to time, be referred

or delegated to them by PECs in their respective provinces in accordance with Party rules, ideals and expectations.

ARTICLE 5:
INTERIM PARTY LEADERSHIP

5.1 The interim leadership of the Party shall be composed of all founding Party members, who shall nominate from amongst themselves an Interim Party President, Interim Chairperson, Interim Party Secretary, Interim Party Treasurer, and Interim Public Relations and Publicity Executive to provide leadership during the initial organization of the Party.

5.2 Interim Party leaders shall designate and invite a few Zambian citizens to provide advice and/or decision inputs on a voluntary basis.

5.3 The interim Party leadership corps shall dissolve itself upon the creation of the Party structure described in Article 4 of this Constitution.

ARTICLE 6:
PARTY ELECTIONS

6.1 ELIGIBILITY FOR ELECTION

Consistent with some of the provisions of Articles 64 and 65 of the 1996 Republican constitution, a card-carrying member of the Party shall be eligible for election to any vacant elective position at any level of the Party structure if he/she is:

- (A) A Zambian citizen;
- (B) At least twenty-one (21) years of age;
- (C) Literate and conversant with the current official language of Zambia;
- (D) Not under a declaration of allegiance to some country other than Zambia;
- (E) Not adjudged or otherwise declared to be of unsound mind under any law in force in Zambia;
- (F) Not under a sentence of death or imprisonment;
- (G) Not an undischarged bankrupt, and not having been adjudged or otherwise declared bankrupt under any law in force in Zambia; and
- (H) Not detained under the authority of law, and his/her freedom of movement is not restricted.

6.2 MODE OF VOTING

- (A) Votes in elections at all levels of the Party's administrative structure shall be cast by secret ballot.
- (B) Only duly registered Party members shall be eligible to vote in Party elections.
- (C) There shall be no voting by proxy in elections at any level of the Party's structure.

6.3 DECLARATION OF CANDIDATURE

Candidature for any elective post at all levels of the Party structure shall be personally declared by interested individuals.

6.4 FAIR ELECTIONS

To preclude the potential for ethnic, gender, professional affiliation, and/or any other unfair considerations in elections, no Party member or group of Party members shall canvass/campaign for the election of a list of candidates. Likewise, Party members shall not canvass/campaign for any particular candidate as a group.

Violation of these stipulations shall result in exclusion of contestants involved from a given race, or nullification of his/her election victory and the declaration of a runner-up as winner. All contestants for Party positions shall, therefore, be expected to advise their supporters to desist from engaging in banned methods of canvassing/campaigning.

6.5 UNOPPOSED CANDIDATES

An unchallenged candidate for an elective Party post at any level of the Party structure shall be declared the winner of the post.

6.6 UNCONTESTED POSTS

The APR shall appoint, from duly registered members of the Party, a caretaker for any uncontested post at any level of the Party structure. The appointee shall service the post involved until the next regularly scheduled Party elections.

6.7 UNEXPECTED VACANCIES

(A) Vacancies for deputized elective posts at all levels of the Party structure shall be filled by incumbent deputies, who shall service the posts until the next regularly scheduled Party elections. The APR shall subsequently appoint a caretaker deputy from duly registered members of the Party.

(B) The APR shall, by a two-thirds (2/3) majority vote of members in attendance, appoint a caretaker from duly registered Party members for a non-deputized elective post at any level of the Party structure which shall fall vacant prior to the incumbent's completion of his/her five-year term of office.

6.8 TENURE OF OFFICE

The tenure of office for elected Party officials at all levels of the Party structure shall be five (5) years, upon which elections shall be held to elect new Party leaders.

6.9 TWO-TERM LIMIT

Party members at all levels of the Party structure shall not be eligible for re-election to Party positions in which they shall have fully or partially, and consecutively or otherwise, served as elected incumbents for two (2) five-year terms. Affected Party members shall, however, be eligible for election to any other positions at any level of the Party structure.

6.10 THE DISTRICT LEVEL

Elections for District Executives, Deputy District Executives, and other members of DECs shall be conducted by at least three (3) elections officials to be appointed on a temporal

basis by the Board of Party Overseers from duly registered and locally based Party members not contesting in elections involved.

6.11 THE PROVINCIAL LEVEL

Elections for Provincial Executives, Deputy Provincial Executives, and other members of PECs shall be conducted at a venue to be designated by the Board of Party Overseers, and shall be administered by at least three (3) elections officials to be appointed on a temporal basis by the Board from PEC members not contesting in elections involved.

6.12 THE NATIONAL LEVEL

(A) Initial and subsequent elections for the Party President, the Party Vice President and Executive Vice Presidents shall be conducted at a convention to be convened on a date and at a venue to be designated by the Board of Party Overseers, and shall be administered by the Board.

(B) The Party President, the Party Vice President and Executive Vice Presidents shall all be elected from, and by, founding Party members, provincial representatives, and the five (5) members to be appointed by the Assembly at its own discretion in accordance with section 4.2(B).

6.13 PARLIAMENTARY ELECTIONS

Parliamentary candidates shall be nominated and adopted by the Assembly of People's Representatives by a two-thirds (2/3) majority vote of members in attendance from members of any of the Party's three (3) organs who shall be deemed to be eligible for election to an elective position within the Party under section 6.1 of this Constitution.

6.14 PARTY-GOVERNMENT SEPARATION

Elected Party officials at any level of the Party structure shall become ordinary members of the Party if they become members of the national Government in any of its three branches—that is, the executive, the legislature, or the judiciary.

This provision is intended to prevent those who might be entrusted with the task of serving their fellow citizens through the national Government from being preoccupied with serving the interests of our Party at the expense of pressing national issues.

In general, a political system that allows individuals to hold government and party positions concurrently inevitably blurs the boundary between party business and government functions, thereby culminating into "the PIG" or "the Party and Its Government" phenomenon.

(A) Filling of Vacancies: Affected officials shall have their positions filled as per the provisions of section 6.7.

(B) The Party President: If elected to the Republican presidency, the Party President shall automatically become an ordinary member of the Party at the APR level, but shall be eligible to contest for the Party Presidency or any other position at any level of the Party structure when he/she is no longer the Republican President, subject to the general limitation stipulated in section 6.9.

(C) The Party Vice President: If elected to the Republican vice presidency, the Party Vice President shall automatically become an ordinary member of the Party at the Assembly level, but shall be eligible to contest for the Party Vice Presidency or any other

position at any level of the Party structure when he/she is no longer the Republican Vice President, subject to the general limitation stipulated in section 6.9.

(D) Executive Vice Presidents: If appointed to any position in the national Government in any of its three branches (that is, the executive, the legislature, or the judiciary), Executive Vice Presidents shall automatically become ordinary members of the Party at the Assembly level, but shall be eligible to contest for any elective Party position at any level of the Party structure when they are no longer serving in the national Government, subject to the general limitation stipulated in section 6.9.

ARTICLE 7:
DISCIPLINARY PROCEDURE

7.1 Each and every member of the Party shall be expected to refrain from committing crimes and misdemeanors while conducting Party business.

7.2 During election campaigns and other political engagements, Party members shall conduct themselves in a manner that shall reflect the civilized, sober and peace-loving character of Zambian society. An earnest effort shall be made to advocate the need for other political parties in the country to emulate the Agenda for Change in this regard.

7.3 The Party shall never function as a trial court for crimes and/or misdemeanors committed by members within or outside the Party. Each and every member shall, therefore, be expected to obey Zambian laws, failure to which the law of the land shall take its course.

7.4 An ordinary member of the Party shall be banned from contesting any position in the Party for one (1) year from the date of conviction if he/she shall be convicted of a misdemeanor during the course of his/her membership in the Party, unless the conviction shall be reversed later by a court of law before the expiry of one (1) year. A second conviction shall result in a permanent ban from contesting any elective position in the Party.

7.5 An ordinary member of the Party shall be banned from contesting any position in the Party for three (3) years from the date of conviction if he/she shall be convicted of a crime during the course of his/her membership in the Party, unless the conviction shall be reversed later by a court of law before the expiry of the three (3) years. A second conviction shall result in a permanent ban from contesting any elective position in the Party.

7.6 Any member of the Party elected to a position at any level within the Party shall be required to abdicate his/her position and revert to ordinary membership if he/she shall be convicted of a crime during the course of his/her membership in the Party, unless the conviction shall be reversed later by a court of law before elections are held to fill the position involved.

7.7 Any Party member who shall become a victim of a crime or misdemeanor while officially and lawfully conducting Party business shall be provided with legal and/or financial support by the Party in legal proceedings if he/she shall decide to file charges against alleged perpetrators.

ARTICLE 8:
BROAD REPRESENTATION

Upon being given the mandate by voters to form a national government, the Agenda for Change shall ensure that the following are seriously taken into account in filling high-

level leadership positions:

8.1 Reservation of at least 30% of ministerial and secretarial positions for women.

8.2 Fair allocation of ministerial and secretarial positions to ensure that each of Zambia's 9 provinces is adequately represented in the governance of the country, without sacrificing the need for competent leadership.

ARTICLE 9:
CONSTITUTIONAL AMENDMENTS

Amendments to the Agenda for Change Constitution, proposed by any Party organ or duly registered member of the Party, shall be discussed exhaustively by at least half of the members of the Assembly of People's Representatives at its annual meetings. If they shall be deemed to be worthy by a two-thirds (2/3) majority vote of members in attendance, the Constitution shall be amended accordingly.

The National Archives of Zambia and the Registrar of Societies shall be furnished with a copy of the Party constitution reflecting the amendments within thirty (30) days from the date of the approval of the amendments by the Assembly of People's Representatives.
